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Yukon Environmental & Socio-economic Assessment Act Decision Document

This document meets the requirements of the Tr'ondëk Hwëch'in as a Decision Body under the Yukon Environmental and Socio-Economic Assessment Act (YESAA).

Decision Document Issued By:

First Nation Decision Body(ies):	Tr'ondëk Hwëch'in
YG Decision Body:	EMR - Mineral Resources
Federal Decision Body(ies):	

Decision Document Date of Issue: November 2, 2007	File Number: 2007-0139
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Project Summary and Scope:

Project Name:	Northern Shoveller Resources Ltd.
Proponent:	(Represented by) Tim Osler

Project Summary:

The principal project is a placer mining operation on approximately 56 placer claims with a water source of Bonanza Creek and Klondike Valley dredge tailing ponds. Activities are proposed to occur between February and December annually for ten years.

Principal Activities include:

- Use of heavy machinery for obtaining water, diverting water, altering flow, crossing, drilling, stripping, material processing and reclamation activities.
- Mechanical stripping of approximately 500,000 m³/year and hydraulic stripping of up to 500,000 m³/year
- Processing of 400,000 m³ /year of material
- Water use of approximately 39,280 m³/day.
- Reclamation of mined area during and upon project completion.

Accessory Activities include:

Access and equipment mobilization

- Access will utilize existing roads
- Existing watercourse crossings will be utilized

Water Use

- Out of stream reservoirs
- Out of stream settling ponds

Fuel Use and Storage

- Storage of approximately 72,000L of fuel (diesel, gas, lubricating oil)



Assessable Activities and Assessment Triggers:

The following activities are listed in the Assessable Activities Regulations and are not excepted, thereby establishing a requirement for assessment of the proposed project under YESAA.

Assessable Activities – Assessable Activities Regulations		
Proposed Activity	Part	Item
Placer Mining	1	2

The Tr'ondëk Hwëch'in has the following government role(s), as described in subsection 47(2) that establish the requirement for assessment of the proposed project under YESAA.

- Authorization
- Grant of Interest in Land
- Proponent (if a private person would require an authorization or grant of interest in land)
- None (i.e. assessment triggered by another government's role).

Project Location:

Nearest Community: Dawson City	
Map Sheet(s): 116 B-03	
UTM Coordinates:	
NW Boundary 579400 7102200	NE Boundary 580800 7101400
SW Boundary 580900 7100200	SE Boundary 579600 7099150
Affected Watercourses: Bonanza Creek, Klondike River Watershed	
Project Located on:	Settlement Land Block:
<input type="checkbox"/> Settlement Land Only <input checked="" type="checkbox"/> Both Settlement Land and Non-Settlement Land	R-20A

Does the proposed project involve the right to work mines or minerals on Category B or Fee Simple Settlement Land?

- Yes
- No

Other Land Uses and Users:

Other Rights and Tenures on the same Settlement Land Block	Placer Mining Claims
Adjacent Land Users (and Uses)	Placer Miners (Mining), City of Dawson 'Hinterland' Area, Residents and Seasonal Visitors (Recreation)



Information about Assessment Recommendation:

Evaluation Report From: Dawson City Designated Office	
Evaluation Report Date: October 3, 2007	Project File Number: 2007-0139
DO Contact Name: Felix Horne	Phone: (867) 993-4040

Overall Recommendation and Decision:

The following overall recommendation was provided by the Dawson City Designated Office under YESAA subsection 56(1).

- 56(1)(a): The Designated Office recommended that the project be allowed to proceed because it determined that the project will not have significant adverse environmental or socio-economic effects in or outside Yukon.
- 56(1)(b): The Designated Office recommended that the project be allowed to proceed, subject to specified terms and conditions, because it determined that the project will have significant adverse environmental or socio-economic effects in or outside Yukon that can be mitigated by those terms and conditions.
- 56(1)(c): The Designated Office recommended that the project not be allowed to proceed because it determined that the project will have significant adverse environmental or socio-economic effects in or outside Yukon that cannot be mitigated.

Decision of Tr'ondëk Hwëch'in:

In accordance with the requirements of YESAA section 75, the Tr'ondëk Hwëch'in, having considered the above recommendation including scientific information, traditional knowledge and other information provided with the recommendation, and having carried out consultation required under YESAA,

Accepts <input type="checkbox"/>	Rejects <input type="checkbox"/>	Varies <input checked="" type="checkbox"/>
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the recommendation as follows for the reason(s) specified:

Tr'ondëk Hwëch'in accepts the following:

- Proponent shall ensure that surface and sub-surface runoff from tailing deposits and disturbed areas are controlled and directed towards settling ponds for treatment before a controlled release into the environment away from developed areas.
- Proponent shall provide for progressive annual reclamation throughout the lifespan of the proposed project.
- The Proponent shall use an adequate layer of soil during reclamation efforts that will support and foster immediate and long term re-growth of vegetation.
- The proponent shall make every effort to control erosion of soil layers and newly vegetated areas taking into account the slope of the tailing deposits, composition of tailing material and the likelihood of erosion.



- Excavated (mine cuts) within the bench rim shall be reclaimed in such a way to avoid vertical slopes greater than 2 horizontal to 1 vertical ratio.
- Proponent shall obtain appropriate development permits from the City of Dawson.

Tr'ondëk Hwëch'in varies by adding the following:

- No condition of this decision document limits the application of any federal, territorial, first nation or municipal legislation.

Justification:

- The above mitigation is added to be consistent with recommendations from other assessments and to provide a more complete description of the non-discretionary legislation and regulatory requirements. It is necessary to prevent unacceptable environmental and socio-economic effects in Yukon, and was overlooked in the recommendations

Tr'ondëk Hwëch'in varies the following:

- The removal of all wastes shall be to a designated handling facility.

Justification:

- The language used to convey this recommendation is imprecise; this mitigation only deals with wastes removed from the site, and should include all wastes that the operation produces. As well, opportunities for reuse and recycling of wastes should remain available to the proponent. As a result, the existing recommendation is insufficient to prevent unacceptable environmental effects.

Replaced with:

- All solid waste, including debris, equipment, barrels, drums, and scrap metal, that is not immediately removed to a designated handling facility, shall be safely stored on the operation site while the operation is carried out and must be removed to a designated handling facility when the operation ceases.

Tr'ondëk Hwëch'in varies the following:

- The proponent shall notify Tr'ondëk Hwëch'in Lands & Resources Department in the case of any significant fuel spills on settlement land parcel R-20A.

Justification:

- The term "significant" is not defined and as a result, the recommendation is insufficient to prevent unacceptable environmental effects. Concerns can be mitigated using the following two recommendations:

Replaced with:

- The proponent shall notify the Tr'ondëk Hwëch'in Lands & Resources Department as well as the 24-hour Yukon Spill Report Line in the case of any reportable fuel spills on R-20A.



- The proponent shall ensure a Spill Contingency Plan and Spill Response Kit is in place at each operating pumping site on R-20A to provide for response to, and cleanup of any spills of fuel or other hazardous materials.

Tr'ondëk Hwëch'in varies the following:

- Proponent shall limit stripping and clearing to the area that will be mined within the next year.

Justification:

- This recommendation is impractical when taking into account the proponent's mining plan and more onerous than necessary to prevent unacceptable environmental and socio-economic effects. Concerns can be mitigated using the following two mitigations:

Replaced with:

- Proponent shall limit stripping and clearing to the area that will be mined within the next three (3) years.
- All material suitable for reclamation work (including black muck, vegetative mat, fines containing organics, etc) must be mechanically separated and stockpiled, covered to prevent erosion, and marked so as to be used in future reclamation work.

Tr'ondek Hwech'in varies by adding the following:

- The proponent shall immediately inform Tr'ondëk Hwëch'in Heritage Department of any heritage resources, as defined in the Tr'ondëk Hwëch'in Final Agreement, that are discovered while working on R-20A.
- The proponent shall immediately refrain from further disturbance of the site containing any discovered heritage resources.

Justification:

- Tr'ondek Hwech'in owns and manages heritage resources on Tr'ondëk Hwëch'in Settlement Land. This mitigation was overlooked in the recommendations.

Tr'ondëk Hwëch'in varies by adding the following:

- The proponent shall adhere to other Tr'ondëk Hwëch'in Land Use Terms and Conditions such as they may relate to Detours and Crossings, Mark Route, Salvage Merchantable Timber, Pile Wood, Remove Trees First, Stream Crossings, Forging of Streams, and Clean-Up Prior to Expiry.

Justification:

- The above general mitigation is added to be consistent with recommendations from other assessments and to provide a more complete description of non-discretionary legislation and regulatory requirements. It is necessary to prevent unacceptable environmental and socio-economic effects in Yukon, and was overlooked in the recommendations.



Consultation:

Other Decision Body Consultation:	(Yukon Government - EMR - Mineral Resources)
Initially undertook consultation with Yukon Government – both Decision Bodies shared First Drafts and undertook an initial discussion regarding discrepancies of decisions. Proposed further consultation with Yukon; however, this was rejected by the Yukon Government when they informed Tr'ondëk Hwëch'in that they did not consider it a Decision Body for this Project.	
Is this a consolidated Decision Document for two or more Decision Bodies?	
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If "Yes," identify which Decision Bodies?	

Consultation with Non-Self-Governing First Nation(s)
Is the proposed project located wholly or partly in the traditional territory of a non-self-governing First Nation, or might the project have significant adverse environmental or socio-economic effects in that territory?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Other Consultation:

The Tr'ondëk Hwëch'in consulted staff, membership, the proponent, and third parties (specifically some placer miners) to support its decision making process.

Authorization:

Approved by:
Signature of Authorizing Official: <u>Otto Cutts</u> Date: <u>Nov. 2/07</u>
Otto Cutts Executive Director

Copies Forwarded to:

Other Decision Bodies:	Yukon Government - EMR - Mineral Resources
Project Proponent:	Tim Osler
YESAB Designated Office:	Dawson City Designated Office (YESAB)
Others Required Under YESAA (as per section 81):	
Others (voluntary):	